IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6391 OF 2005

Imran Sultan Shaikh. ... Applicant.

Versus.

State of Maharashtra. ... Respondent.

Shri Udfay P.Warunjikar for the Applicant..

Ms.S.D.Shinde, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 10th October, 2005.

P.C.:

1. Heard Shri Warunjikar for the Applicant and the learned A.P.P. for the State.

2. Shri Warunjikar submitted that there is no recovery made at the instance of the Applicant and none of the witnesses have stated that they have seen the Applicant participating in the actual assault on the deceased. The learned A.P.P.has placed on record for my perusal statement of witnesses and the post-mortem notes.

3. Various witnesses have stated that the Applicant was having a sword in his hand and the Applicant and other co-accused chased the deceased and entered a shop premises after the deceased entered the shop premises. The witnesses have stated that they have seen the Applicant and the other co-accused coming out of the

shop wherein the dead body of the deceased was found. A perusal of the post-mortem notes show that there are large number of injuries (total 30) on the person of the deceased. About 14 to 15 injuries are chop wounds. The witnesses are consistent that the Applicant was having a sword in his hand and the Applicant ran after the deceased along with the co-accused.

4. There is sufficient evidence on record to show the complicity of the Applicant at this stage. In an application filed by the co-accused, the trial has already been expedited. No case is made out for grant of bail. The Application is rejected.

5. It is obvious that the above observations are made only for the purpose of considering the prayer for bail and the trial will be concluded uninfluenced by the said observations.

Judge.